

IFW  
(DAE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Murray *et al.*

Serial No.: 10/827,044

Filed: April 19, 2004

For: Variable-Eccentricity Tactile Generator

Attorney's Docket No: 2002-055



**Patent Pending**

Group Art Unit: 2635

Confirmation No.: 2743

Raleigh, North Carolina  
August 17, 2004

Office of Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing**

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Kathleen Koppen

A handwritten signature in cursive script, appearing to read "Kathleen Koppen", written over a horizontal line.

**PETITION TO AMEND AN INCORRECT FILING DATE**

Sir:

In reply to the Office's refusal to correct Applicants' filing receipt dated August 6, 2004, Applicants respectfully petition the Commissioner to correct the filing date of the above-referenced application from April 17, 2004 to April 19, 2004.

Applicants properly filed the above-mentioned application on April 19, 2004. As proof, Applicants submit copies of the Express Mail Certificate EV 368752046 US, as well as the receipt showing the cost of the Express Mail Certificate received at the time of mailing. Both documents clearly show that the actual mailing occurred on April 19, 2004. However, it also appears that the United States Postal Service inadvertently entered an incorrect or unintelligible date for the "Date In" field of the certificate. Specifically, the date in the "Date In" field appears to reflect "April 17, 2004." This date is incorrect and should

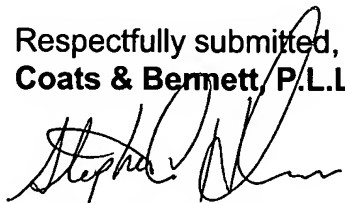
not be used to reflect the filing date of the above-mentioned application. The actual filing date for the present application should be April 19, 2004.

Applicants believe that no fees should be charged for the cost of filing this Petition. The discrepancy is not the fault of the Applicants, but rather, is attributable to the Postal Service. Further, the Express Mail Certificate clearly reflects the "April 19, 2004" date in an official stamp adjacent the "Date In" field, and is clearly marked for next day delivery and the legibility of the "Date In" field is at best questionable. Given the clear discrepancy on the Express Mailing Certificate itself, the Office should have questioned the date in "Date In" field. Finally, Applicants note their continuing duty of candor to the Patent Office. As such, Applicants are required to bring this discrepancy to the attention of the Office, even though the Applicants are not at fault. To charge Applicants fees in this case is unfair.

Therefore, Applicants request that the filing date be changed, but respectfully submit that no fees for this request should be charged. However, if the Office believes otherwise, the Commissioner is authorized to charge Deposit Account 18-1167 for any fee associated with this Petition.

Respectfully submitted,  
**Coats & Bennett, P.L.L.C.**

By:



Stephen A. Herrera  
Registration No. 47,642

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EV 368752046 US



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# Transactions Listing

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Date	Prof	MatterID/Client Sort Matter Description Narrative	Component Task Code	Units	Price	Value
4/19/2004		2002-055 / Sony Ericsson Mobile Communications Variable-Eccentricity Tactile Generator patent matter Express mail charges	978	1.00	13.65	13.65
Grand Total				1.00		13.65